HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting)

(Chapter VIII Rule 32(2)(b)

Description of the case.

W.P. No. 121 (S/S) of 2000

Het Ram

Versus

S.E. Irrigation & ors.

Approval for reporting.

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Not approved for reporting.

Date of decision 09.06.2004

Initial of Judge

HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 121 of 2000 (SS)

Het Ram

S/o Sh. Sawant Singh

R/o House No. 26 Ram Bhawan

Sati Mohalla Roorkee Distt. Haridwar. ..... Petitioner

VS

Superintendent Engineer (Adhikshan

Abhiyanta) Irrigation Workshop Region-I

67 A Cantt. Kanpur and others, ...Respondents

Counsel for the petitioner Sh. V.K. Bisht
Standing Counsel for the respondent.

Dated:- 9-6-2004

Hon'ble Rajesh Tandon J.

Heard Sh. V.K. Bisht learned counsel for the petitioner and Standing Counsel for the respondent.

By the present writ petition the petitioner has prayed for the issue of a writ, order or direction in the nature of mandamus directing the respondent to give promotion to the petitioner in Grade –I (Electrician) of pay scale of Rs. 325/-. Further mandamus has been sought directing the respondents to pay all arrears of salary with interest to the petitioner from the date of promotion i.e. 1-8-96. At the time of admission of the writ petition following order was passed: -

"*Notices has been accepted by the learned C.S.C. who prays for and is allowed six weeks time to file counter affidavit.*

List thereafter.

Meanwhile it is provided that if any person junior to petitioner has been promoted, the case of the petitioner for promotion shall also be considered within one month from the date of production of a certified copy of the order."

Brief facts giving rise to the present writ petition are that the petitioner was initially appointed on 1-8-1981 as appointment in the Sthapan Khand Okhla subsequently the Sthapan Khand Okhla merged in the Workshop Roorkee in the year 1985 and thus all the Sthapan Khand New Delhi became, the employees of Workshop, Roorkee from their initial date of appointment and therefore all the benefits, increments were subsequently given on the basis of their initial date of appointment.

Petitioner has submitted that the petitioner was promoted on the post of Electrician Grade-II in the pay scale of Rs. 825, which was revised to Rs. 2750/-.

On 23-4-98 the petitioner has filed an application for the change of trade on the ground that he has worked for Baildar and therefore his trade may be changed as Fitter.

The petitioner has submitted that they fulfill all the required ingredients for consideration to the promotion in pay scale of Electrician Grade-I. The petitioner is the Senior most to those persons who have given promotion to the Electrician Grade-I in pay scale of Rs. 3250/-.

Petitioner has made the representation to the respondents on 10-1-2000, 21-3-2000 and 27-6-2000.

Petitioner has also brought to the notice to the respondent that the last promotion list issued by the letter no. 1452 dt. 13-5-99 and the petitioner again refused the promotion to the pay

scale of Rs. 3250/- and Mr. Vijendra Kumar token no. 626 has been given promotion who is also junior to the petitioner and in seniority list issued on 13-5-99, the petitioner was at serial no. 7 and Mr. Vijendra was at serial no. 8.

The petitioner has also brought to the notice of the authorities that he was not promoted while the others junior most persons were promoted in the year 1999. the respondent authorities in reply of the representation of the petitioner dt. 13-5-2000 issued a letter dt 14.8.2000 has not considered his representation.

The order is very cryptic and it does not assign any reason. It is well-established principle of law that recording of reasons is the settled principle of service jurisprudence. It has been held in State of West Bangal Vs. Atul Krishan Shaw AIR 1990 Supreme Court 2205 to the following effect:-

"A right to reason is, therefore, an indispensable part of sound system of judicial review. Reasoned decision is not only for the purpose of showing that the citizen is receiving justice, but also a valid discipline for the Tribunal itself. Therefore, statement of reasons is one of the essentials of justice."

The writ petition is allowed. The respondents are directed to grant pay scale of 3050-4590 to the petitioner with effect from 1.2.1996. No order as to costs.

(Rajesh Tandon, J.)

Dt:- 9-6-2004
M.K.